

**REMARKS**

In the Final Office Action<sup>1</sup>, the Examiner rejected claims 1-3, 7-9, and 13-15 under 35 U.S.C. § 103(a) as being unpatentable over "Windows XP in a Nutshell" by Karp et al. ("*Karp*") in view of U.S. Patent No. 7,206,599 to Lemley ("*Lemley*"); and rejected claims 4-6 and 10-12 under 35 U.S.C. § 103(a)<sup>2</sup> as being unpatentable over "Microsoft Excel 2002 Version 3.0.6926 SP-3" ("*Excel*") in view of *Lemley*.

Applicant has amended claims 1, 4, 7, 10, and 13. Claims 1-15 remain pending.

**I. Regarding the rejection of claims 1-3, 7-9, and 13-15**

Applicant respectfully traverses the rejection of claims 1-3, 7-9, and 13-15 under 35 U.S.C. § 103(a) as unpatentable over *Karp* in view of *Lemley*. A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. M.P.E.P. § 2142, 8th Ed., Rev. 6 (September 2007). "A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention." M.P.E.P. § 2145. "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual

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<sup>1</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

<sup>2</sup> The Final Office Action, on page 5, states that claims 4-6 and 10-12 are rejected under 35 U.S.C. § 102(b). However, because the rejection is within the § 103 section of the Final Office Action and because the rejection cites two references, Applicant understands that claims 4-6 and 10-12 are rejected under 35 U.S.C. § 103(a).

inquiries . . . [include determining the scope and content of the prior art and] . . .

[a]scertaining the differences between the claimed invention and the prior art.”

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III). In this application, a *prima facie* case of obviousness has not been established because the rejections under 35 U.S.C. § 103(a) are not properly supported by a clear articulation of why the claimed invention would have been obvious.

Claim 1 recites a method including, for example:

detecting a user navigation input comprising a sibling navigation input or a parent navigation input, the sibling navigation input comprising a key press of a first alphanumeric character, the first alphanumeric character constituting a first group identifier, and the parent navigation input comprising a key press of a second alphanumeric character, the second alphanumeric character constituting a second group identifier;

(emphasis added). *Karp* and *Lemley* do not disclose at least these elements of claim 1.

The Final Office Action concedes that “*Karp* does not specifically disclose . . . [a] navigation input comprising a key press of a first alphanumeric character.” (page 4).

The Final Office Action then looks to *Lemley* to cure this deficiency, alleging that “*Lemley* teaches a navigation input comprising a key press of a first, second, third, or fourth alphanumeric character key, constituting a group identifier.” (page 4). Applicant respectfully disagrees.

*Lemley* discloses using four alphanumeric keys in a navigation mode to decrease the number of keys required on a mobile handset. (Figure 2, reference 10; column 4, lines 3-5; column 5, lines 1-3). These four keys of *Lemley* may be toggled between an alphanumeric mode, in which each key is associated with four alphanumeric characters,

and a navigation mode, in which each key is associated with a navigation direction. (Figure 2; column 4, lines 3-11 and 27-37). However, the navigational function of any of the four keys of *Lemley* is unrelated to the alphanumeric characters that each key represents. Therefore, pressing a key in navigation mode in *Lemley* cannot constitute the claimed “key press of a first alphanumeric character” because, in the navigation mode, the key is in no way associated with an alphanumeric character.

Even assuming a key in navigation mode could be associated with the alphanumeric characters that key represents in alphanumeric mode, which Applicant does not concede, it is unclear which of the four alphanumeric character that each key represents is the claimed “first alphanumeric character constituting a first group identifier,” as recited in claim 1. For at least these reasons, neither *Karp* nor *Lemley* teaches or suggests “detecting a user navigation input comprising a sibling navigation input or a parent navigation input, the sibling navigation input comprising a key press of a first alphanumeric character, the first alphanumeric character constituting a first group identifier, and the parent navigation input comprising a key press of a second alphanumeric character, the second alphanumeric character constituting a second group identifier,” as recited in claim 1.

As set forth above, the Final Office Action has not properly ascertained the differences between the prior art and Applicant's claims. Thus, the Final Office Action has not clearly articulated a reason why the claimed invention would have been obvious to one of ordinary skill in the art and has not established a *prima facie* case of obviousness with respect to independent claim 1.

Independent claims 7 and 13, while of different scope from claim 1 and each other, recite elements similar to those of claim 1 and, thus, are allowable over *Karp* in view of *Lemley* for at least the same reasons discussed above in regard to claim 1. Claims 2, 3, 8, 9, 14, and 15 are also allowable at least due to their respective dependence from claims 1, 7, and 13.

## **II. Regarding the rejection of claims 4-6 and 10-12**

Applicant respectfully traverses the rejection of claims 4-6 and 10-12 under 35 U.S.C. § 103(a) as unpatentable over *Excel* in view of *Lemley*.

Claim 4 recites a method including, for example:

detecting a user navigation input comprising a forward navigation input or a backward navigation input, the forward navigation input comprising a key press of a first alphanumeric character, the first alphanumeric character constituting a first group identifier, and the backward navigation input comprising a key press of a second alphanumeric character, the second alphanumeric character constituting a second group identifier;

(emphasis added). *Excel* and *Lemley* do not disclose at least these elements of claim 4.

The Final Office Action concedes that “[*Excel*] does not specifically disclose . . . [a] navigation input comprising a key press of a first alphanumeric character.” (page 7). As discussed above with respect to claim 1, *Lemley* also fails to teach or suggest a “navigation input comprising a key press of a first alphanumeric character,” as recited in claim 4. Therefore, neither *Excel* nor *Lemley* teaches or suggests the claimed “detecting a user navigation input comprising a forward navigation input or a backward navigation input, the forward navigation input comprising a key press of a first alphanumeric character, the first alphanumeric character constituting a first group

identifier, and the backward navigation input comprising a key press of a second alphanumeric character, the second alphanumeric character constituting a second group identifier,” as recited in claim 4.

As set forth above, the Final Office Action has not properly ascertained the differences between the prior art and Applicant's claims. Thus, the Final Office Action has not clearly articulated a reason why the claimed invention would have been obvious to one of ordinary skill in the art and has not established a *prima facie* case of obviousness with respect to independent claim 4. Claims 5 and 6 are also allowable at least due to their depending from claim 4.

Independent claim 10, while of different scope, recites elements similar to those of claim 4 and, thus, is allowable over *Excel* and *Lemley* for at least the same reasons discussed above in regard to claim 4. Claims 11 and 12 are also allowable at least due to their dependence from claim 10.

**III. Conclusion**

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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